IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

CRP.No. 244 of 2005(A)

AGAINST THE ORDER DATED 21/08/2004 IN IA.694/03 IN AS.134/2003 of ADDL.DISTRICT COURT-I,MAVELIKKARA

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REVN. PETITIONER/RESPONDENT/DEFENDANT:

SRI. M.P. BALAKRISHNAN PILLAI,
PUSHPANJALI VEETTIL, KEEZHACHERIMEL MURI,
CHENGANNUR P.O.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS: APPELLANTS/PLAINTIFF:

SRI. P. UNNIKRISHNA PILLAI,
PALATHINPENGATTU VEETTIL, KEEZHACHERIMEL MURI,
CHENGANNUR P.O.

BY ADV. SRI.R.UNNIKRISHNAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN , J

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I.A. NO. 229/2005 & C.R.P NO. 244 OF 2005 A

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Dated this the 16th day of August, 2007.

ORDER

For the reasons stated in the accompanying affidavit and in the interest of justice, delay is condoned.

This revision petition is preferred against the order of the Additional District Judge, Mavelikkara whereby he has condoned the delay of 11 days in filing the appeal. The learned counsel for the revision petitioner would submit that the background of the case would show that the court should not have exercised his discretion in favour of the appellant in that case. The court below found that the petitioner has taken steps to get the judgment and decree diligently and that the delay was not deliberate or wilful. The court also found that the delay is negligible and that the party should not be deprived of an opportunity. In the decision reported in **Sreedhara Kurup v. Mickel** (1968 KLT 599) this Court had occasion to consider and held that if some steps is taken with some diligence and some evidence adduced, minor misconduct cannot be taken as a ground to deprive an opportunity for the party to conduct the case on merits. I feel court below has exercised his discretion judicially and I therefore do not want to interfere and C.R.P is dismissed.

M.N. KRISHNAN, JUDGE.

rv